

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

STATE OF TEXAS,	§	
	§	
Plaintiff,	§	
	§	
v.	§	3:99-CV-00320-KC
	§	
YSLETA DEL SUR, ET AL.,	§	
	§	
Defendant.	§	

ORDER

On this day, the Court sua sponte considered Plaintiff's Fifth Amended Motion for Contempt for Violation of the September 27, 2001 Injunction ("Fifth Amended Motion"), ECF No. 423, in the above-captioned case.

In relation to the Fifth Amended Motion, the Court notes that Plaintiff's Second Motion for Contempt for Violation of the September 27, 2001 Injunction ("Second Amended Motion"), ECF No. 356, Third Amended Motion for Contempt for Violation of the September 27, 2001 Injunction ("Third Amended Motion"), ECF No. 376, and Fourth Amended Motion for Contempt for Violation of the September 27, 2001 Injunction ("Fourth Amended Motion"), ECF No. 397, remain pending. The Fifth Amended Motion does not, however, incorporate any of Plaintiff's prior amended motions for contempt. *See* Fifth Am. Mot. The Fifth Amended Motion therefore supersedes the prior amended motions for contempt and renders them moot.

Accordingly, the Second Amended Motion, Third Amended Motion, and Fourth Amended Motion are denied as moot.

The Court further notes that Plaintiff's Opposed Request for Oral Argument, ECF No. 382, and Opposed Request for Oral Argument, ECF No. 400, remain pending. These motions for oral argument relate to the Third Amended Motion and Fourth Amended Motion, respectively. As stated above, the Third Amended Motion and Fourth Amended Motion are moot. Furthermore, by its Order to Show Cause, ECF No. 483, the Court has ordered oral argument on the Fifth Amended Motion. Accordingly, Plaintiff's Opposed Request for Oral Argument, ECF No. 382, and Opposed Request for Oral Argument, ECF No. 400, are denied as moot.

IT IS THEREFORE ORDERED that Plaintiff's Second Motion for Contempt for Violation of the September 27, 2001 Injunction, ECF No. 356, is **DENIED** as moot.

IT IS FURTHER ORDERED that Plaintiff's Third Amended Motion for Contempt for Violation of the September 27, 2001 Injunction, ECF No. 376, is **DENIED** as moot.

IT IS FURTHER ORDERED that Plaintiff's Fourth Amended Motion for Contempt for Violation of the September 27, 2001 Injunction, ECF No. 397, is **DENIED** as moot.

IT IS FURTHER ORDERED that Plaintiff's Opposed Request for Oral Argument, ECF No. 382, is **DENIED** as moot.

IT IS FURTHER ORDERED that Plaintiff's Opposed Request for Oral Argument, ECF No. 400, is **DENIED** as moot.

SO ORDERED.

SIGNED this 1st day of October, 2014.

A handwritten signature in black ink, reading "Kathleen Cardone", written in a cursive style.

KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE